



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



Manna Business Enterprises LLC
Attn: Jo Anne Breen
379 Route 106S
Loudon, NH 03301

Re: Cascade Park Campground Water System
Loudon, NH
EPA # 1407010

**ADMINISTRATIVE ORDER
No. WD 02-28**

August 23, 2002

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to Manna Business Enterprises LLC pursuant to RSA 485:4 and RSA 485:58. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. Manna Business Enterprises LLC is a limited liability company having a mailing address of 379 Rte.106S, Loudon, NH 03301. Jo Anne Breen is the managing member and water system representative.

C. STATEMENTS OF FACTS AND LAW

1. RSA 485 authorizes DES to regulate public water supplies. RSA 485:3 authorizes DES to adopt drinking water rules which identify contaminants which may have an adverse affect on health, which establish maximum contaminant levels that are acceptable for human consumption, which establish criteria and procedures to assure compliance with such maximum contaminant levels, and which identify criteria and standards to ensure the proper operation and maintenance of water systems. Pursuant to this authority, DES has adopted NH Admin. Rules Env-Ws 300.
2. Manna Business Enterprises LLC is the owner of a water system serving a seasonal campground consisting of 168 campsites located in the community of Loudon, NH ("Water System"). The Water System is a transient, non-community water system as defined in RSA 485:1-a, X and Env-Ws 302.02(ca).

I. Bacteria Monitoring

3. Env-Ws 315.01 requires all transient, non-community water systems to monitor for bacteria in accordance with a schedule based on the population served by the system.
4. Env-Ws 325.05 requires transient, non-community water systems serving fewer than 1,000 people to submit a minimum of one sample every six months to test for the presence of total coliform bacteria, and one sample quarterly following the presence of total coliform bacteria in the water sample.
5. Due to the presence of total coliform bacteria in the September 1993 water sample, the Water System is required to routinely collect one sample during the scheduled sampling months of May, June, August, and September.
6. On or about October 13, 2000, DES issued a Letter of Deficiency ("LOD") to the Water System for failing to submit water samples for bacterial analysis in June 2000 and August 2000. The LOD requested the Water System representative submit samples in the appropriate sample months. The Water System received the LOD on October 21, 2000, as evidenced by the signed postal receipt.
7. The Water System failed to submit water samples for bacterial analysis to the state laboratory or a state-certified laboratory during the system's scheduled sampling months of September 2000, May 2001, June 2001, August 2001, September 2001, and May 2002.

II. Nitrate Monitoring

8. Env-Ws 326.30 requires all transient, non-community water systems to monitor for nitrate on an annual basis.
9. The Water System failed to submit a nitrate sample in 2000 and 2001
10. Env-Ws 321.09 requires all public water systems to monitor at the time designated by DES within each compliance period. The Water System was designated to sample for nitrate during the 2nd quarter of 2002.
11. The Water System failed to submit a nitrate sample during the second quarter of 2002, and to date, has not submitted a nitrate sample for that time period.

III. Nitrite Monitoring

12. Env-Ws 326.35 requires all transient, non-community water systems to monitor for nitrite per compliance period.
13. Env-Ws 302.02(k) defines "compliance period" as a three-year calendar period.
14. Env-Ws 321.09 requires all public water systems to monitor at the time designated by DES within each compliance period. The Water System was designated to sample for nitrite during the 2nd quarter of 2001 for the 2000 - 2002 compliance period.

15. The Water System failed to submit a nitrite sample during the 2nd quarter of 2001, and to date, and not submitted a nitrite sample during the 2000 - 2002 compliance period.

IV. Public Notice

16. Env-Ws 351.01 requires a water system that fails to submit any of the routine bacteria samples required by Env-Ws 325 to notify persons served by the system within 30 days of the failure to sample. Within 10 days of providing public notice the water system must submit proof of public notice to DES.

17. The Water System failed to submit proof of public notice to DES for the June 2000, August 2000, September 2000, May 2001, June 2001, August 2001, September 2001, and May 2002 bacteria sampling violations.

18. Env-Ws 351.01 requires a water system that fails to submit a nitrate and nitrite sample required by Env-Ws 326 to notify persons served by the system within 30 days of the failure to sample. Within 10 days of providing public notice, the water system must provide proof of public notice to DES.

19. The Water System failed to submit proof of public notice to DES for the failure to submit a nitrate sample in 2000, 2001, and 2002.

20. The Water System failed to submit proof of public notice to DES for the failure to submit a nitrite sample in the 2000 - 2002 compliance period.

V. Sanitary Survey

21. Env-Ws 306.1(b) requires that each transient, non-community water system be subject to a sanitary survey at least once every five years. The purpose of the sanitary survey is to conduct an on-site review in order to evaluate the adequacy of the sources, storage facilities, equipment, operation, and maintenance to produce and distribute safe drinking water.

22. Env-Ws 306.01(e) requires that significant operation or facility deficiencies be corrected within 90 days of the date of the sanitary survey.

23. On July 31, 2001, a sanitary survey was performed at the Water System by DES personnel. The August 6, 2001 survey report noted that the source for this water supply are two dug wells. The survey report noted the following significant deficiencies:

a. The concrete well covers on both wells are loose and broken thereby creating a potential opening for insects, dirt or water which can cause contamination; and

b. The construction of dug well #001 is inadequate and must be repaired. The well is subject to the possibility of surface water contamination. The unmortared joints and other openings in the well's sidewalls allow surface water contamination and/or roots to enter the well.

24. The August 6, 2001 survey report required the Water System to correct the significant deficiencies within 90 days of the date of the inspection and notify DES in writing when the deficiencies have been corrected.

25. DES has no record of the requested written response to the significant deficiencies noted in the August 6, 2001 sanitary survey report.

D. DETERMINATION OF VIOLATIONS

1. The Water System has violated Env-Ws 325.05 by failing to submit water samples for total coliform analysis in June 2000, August 2000, September 2000, May 2001, June 2001, August 2001, September 2001, and May 2002.

2. The Water System has violated Env-Ws 351.01 by failing to provide proof of public notice to DES for the failure to sample for total coliform bacteria in June 2000, August 2000, September 2000, May 2001, June 2001, August 2001, September 2001, and May 2002.

3. The Water System has violated Env-Ws 326.30 by failing to submit a water sample for nitrate analysis in 2000, 2001, and to date, 2002.

4. The Water System has violated Env-Ws 351.01 by failing to provide proof of public notice to DES within 30 days of the failure to sample for nitrate in 2000, 2001, and to date, 2002.

5. The Water System has violated Env-Ws 326.35 by failing to submit a water sample for nitrite analysis in the assigned 2nd quarter of 2001 for the 2000 - 2002 compliance period.

6. The Water System has violated Env-Ws 351.01 by failing to provide proof of public notice to DES within 30 days of the failure to sample for nitrite in 2001.

7. The Water System has violated Env-Ws 306 by failing to correct the significant deficiencies as noted in the Sanitary Survey report of August 6, 2001 within ninety days of the inspection.

E. ORDER

Based on the above findings, DES hereby orders Manna Business Enterprises LLC as follows:

1. **Within 10 days of the date of this Order**, submit a total coliform sample to the state laboratory or a state-certified laboratory. Within 10 days of completion, submit total coliform results to DES.

2. **Within 15 days of the date of this Order**, notify water consumers of the failure to sample for total coliform bacteria in June 2000, August 2000, September 2000, May 2001, June 2001, August 2001, September 2001, and May 2002.

3. **Within 20 days of the date of this Order**, submit proof of public notice required above to DES.

4. **Within 10 days of the date of this Order**, submit a nitrate sample to the state laboratory or a state-certified laboratory. Within 10 days of completion, submit the nitrate results to DES.

5. **Within 15 days of the date of this Order**, notify water consumers of the failure to sample for nitrate in 2000 and 2001.
6. **Within 20 days of the date of this Order**, submit proof of public notice to DES for the failure to sample for nitrate in 2000 and 2001.
7. **Within 10 days of the date of this Order**, submit a nitrite sample to the state laboratory or a state-certified laboratory. Within 10 days of completion, submit the nitrite results to DES.
8. **Within 15 days of the date of this Order**, notify water consumers of the failure to sample for nitrite in 2001.
9. **Within 20 days of the date of this Order**, submit proof of public notice to DES for the failure to sample for nitrite in 2001.
10. **Within 30 days of the date of this Order**, correct the deficiencies identified in the August 6, 2001 sanitary survey and submit a letter to DES stating what actions were taken to correct the deficiencies.

Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Linda Magoon
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095
Voice: (603) 271-0672
Fax: (603) 271-3490
e-mail: lmagoon@des.state.nh.us

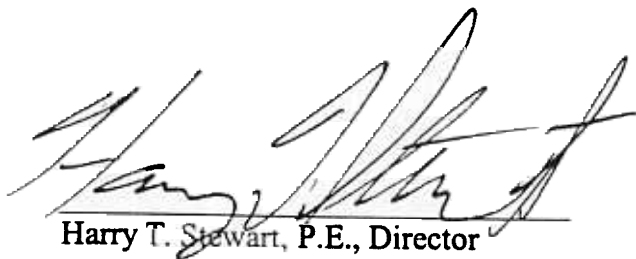
F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Manna Business Enterprises LLC of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485:58 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Manna Business Enterprises LLC remains obligated to comply with all applicable requirements, in particular the need to (1) submit a total coliform sample to a laboratory certified to perform total coliform analysis in the scheduled sampling months and (2) to comply with applicable drinking water statutes and rules. DES will continue to monitor Manna Business Enterprises LLC's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Merrimack County Registry of Deeds so as to run with the land.



Harry T. Stewart, P.E., Director
Water Division



George Dana Bisbee, Assistant Commissioner

Certified Mail/RRR: 7099 3400 0003 0692 2372

cc: ✓ Gretchen Rule, DES Legal Unit
Public Information Officer, DES PIP Office
Jennifer Patterson, Sr. Assistant Attorney General
Merrimack County Registry of Deeds
Board of Selectmen, Town of Loudon
US EPA, Region 1